

OFFICIAL LOCAL FORM 3

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

CHAPTER 13 PLAN COVER SHEET

Filing Date: 11/27/13
Debtor: Diana M Johnson
SS#: xxx-xx-4995
Address: 18 Stanton Street
Malden, MA 02148

Docket #: 13-16894
Co-Debtor: Dennis G. Johnson
SS#: xxx-xx-7833
Address: 18 Stanton Street
Malden, MA 02148

Debtor's Counsel: Michael A. Contant
537 Broadway
Address: Everett, MA 02149
Telephone #: (617) 227-8383
Facsimile #: (617) 944-9867

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

OFFICIAL LOCAL FORM 3

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

PRE-CONFIRMATION CHAPTER 13 PLAN

CHAPTER 13 PLAN

Docket No.: 13-16894

DEBTOR(S): (H) Diana M Johnson

SS# xxx-xx-4995

(W) Dennis G. Johnson

SS# xxx-xx-7833

I. PLAN PAYMENT AND TERM:

Debtor's shall pay monthly to the Trustee the sum of \$ 570.00 for the term of:

☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);

60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

The debtors owe significant arrears on the mortgage securing their residence and require a longer Plan term to pay those arrears in full. ;or

☐ ____ Months. The Debtor states as reasons therefore:

Detailed description of Plan Payments:

\$570.00 per month for 60 months

\$2,000.00 lumpsum payment in month 24

\$2,000.00 lumpsum payment in month 36

\$2,050.00 lumpsum payment in month 48

II. SECURED CLAIMS

A. Claims to be paid through the plan (including arrears):

| Creditor | Description of Claim (pre-petition arrears, purchase money, etc.) | Amount of Claim |
|--------------|---|---------------------|
| <u>Chase</u> | <u>Pre-petition arrears</u> | \$ <u>30,000.00</u> |

Total of secured claims to be paid through the Plan \$ 30,000.00

B. Claims to be paid directly by debtor to creditors (Not through Plan):

| Creditor | Description of Claim |
|--------------|----------------------|
| <u>Chase</u> | <u>Mortgage</u> |

C. Modification of Secured Claims:

| Creditor | Details of Modification (Additional Details May Be Attached) | Amt. of Claim to Be Paid Through Plan |
|---------------|--|--|
| <u>-NONE-</u> | | |

D. Leases:

- i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of -NONE-
; or
- ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of -NONE-
- iii. The arrears under the lease to be paid under the plan are 0.00.

III. PRIORITY CLAIMS

A. Domestic Support Obligations:

| Creditor | Description of Claim | Amount of Claim |
|---------------|----------------------|-----------------|
| <u>-NONE-</u> | | \$ |

B. Other:

| Creditor | Description of Claim | Amount of Claim |
|---------------------------------|----------------------|--------------------|
| <u>Internal Revenue Service</u> | <u>Income Taxes</u> | \$ <u>4,288.11</u> |

Total of Priority Claims to Be Paid Through the Plan \$ 4,288.11

IV. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the plan): \$ 1,500.00

B. Miscellaneous fees:

| Creditor | Description of Claim | Amount of Claim |
|---------------|----------------------|-----------------|
| <u>-NONE-</u> | | \$ |

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of 100 % of their claims.

A. General unsecured claims: \$ 434.73

B. Undersecured claims arising after lien avoidance/cramdown:

| Creditor | Description of Claim | Amount of Claim |
|---------------|----------------------|-----------------|
| -NONE- | | \$ |

C. Non-Dischargeable Unsecured Claims:

| Creditor | Description of claim | Amount of Claim |
|---------------|----------------------|-----------------|
| -NONE- | | \$ |

Total of Unsecured Claims (A + B + C): \$ **434.73**

D. Multiply total by percentage: \$ **434.73**
 (Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

| Creditor | Description of claim | Amount of claim |
|---------------|----------------------|-----------------|
| -NONE- | | \$ |

Total amount of separately classified claims payable at ____% \$ **0.00**

VI. OTHER PROVISIONS

A. Liquidation of assets to be used to fund plan:

B. Miscellaneous provisions:

Non-Dischargeable Student Loans listed within Schedule F to Nelnet are being paid outside of the Plan.

VII. CALCULATION OF PLAN PAYMENT

| | | |
|---|---------------|---------------------|
| A) Secured claims (Section I-A Total): | \$ | 30,000.00 |
| B) Priority claims (Section II-A&B Total): | \$ | 4,288.11 |
| C) Administrative claims (Section III-A&B Total): | \$ | 1,500.00 |
| D) Regular unsecured claims (Section IV-D Total): | \$ | 434.73 |
| E) Separately classified unsecured claims: | \$ | 0.00 |
| F) Total of a + b + c + d + e above: | = \$ | 36,222.84 |
| G) Divide (f) by .90 for total including Trustee's fee: | | |
| | Cost of Plan= | \$ 40,250.00 |

(This represents the total amount to be paid into the Chapter 13 plan)

| | |
|---|------------------|
| H. Divide (G), Cost of Plan, by Term of Plan, | 60 months |
| I. Round up to nearest dollar for Monthly Plan Payment: | \$ 570.00 |

(Enter this amount on page 1)

Pursuant to 11 U.S.C. § 1326(a) (1), unless the Court orders otherwise, a debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. § 1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS

A. Real Estate:

| Address | Fair Market Value | Total Amount of Recorded Liens (Schedule D) |
|--|----------------------|--|
| Debtor's Residence Location: 18 Stanton Street, Malden MA 02148 | \$ <u>256,134.76</u> | \$ <u>210,142.00</u> |

| | |
|-------------------------------------|---------------------|
| Total Net Equity for Real Property: | \$ <u>45,992.76</u> |
| Less Exemptions (Schedule C): | \$ <u>45,950.00</u> |
| Available Chapter 7: | \$ <u>42.76</u> |

B. Automobile (Describe year, make and model):

| | | | |
|--|------------------------|---------------------|----------------------------|
| 1999 Ford Taurus (179,000 miles) Location: 18 Stanton Street, Malden MA 02148 | Value \$ <u>800.00</u> | Lien \$ <u>0.00</u> | Exemption \$ <u>800.00</u> |
| 2003 Ford Taurus (229,000 miles) | Value \$ <u>825.00</u> | Lien \$ <u>0.00</u> | Exemption \$ <u>825.00</u> |

| | |
|-------------------------------|--------------------|
| Total Net Equity: | \$ <u>1,625.00</u> |
| Less Exemptions (Schedule C): | \$ <u>1,625.00</u> |
| Available Chapter 7: | \$ <u>0.00</u> |

C. All other Assets (All remaining items on Schedule B): (Itemize as necessary)

Metro Credit Union

Acct#XXXXXXX2010

Location: 200 Revere Beach Parkway, Chelsea, MA 02150

Misc. Household Good (none worth more than \$200.00)

Location: 18 Stanton Street, Malden MA 02148

Misc. Clothing of Husband

Location: 18 Stanton Street, Malden MA 02148

Misc. Clothing of Wife

48" Flat Screen T.V.

Location: 18 Stanton Street, Malden MA 02148

32" Flat Screen T.V.

Location: 18 Stanton Street, Malden MA 02148

HP Desktop Computer (1 year old)

Location: 18 Stanton Street, Malden MA 02148

Toshiba Laptop Computer (3 years old)

Location: 18 Stanton Street, Malden MA 02148

Kindle Fire Tablet (1 year old)

Location: 18 Stanton Street, Malden MA 02148

Refrigerator

Location: 18 Stanton Street, Malden MA 02148

Gas Dryer

Location: 18 Stanton Street, Malden MA 02148

Washing Machine

Location: 18 Stanton Street, Malden MA 02148

Dining Room Set with Buffet

Location: 18 Stanton Street, Malden MA 02148

Queen Bedroom Set

Location: 18 Stanton Street, Malden MA 02148

Full Bedroom Set

Location: 18 Stanton Street, Malden MA 02148

Full Bedroom Set

Location: 18 Stanton Street, Malden MA 02148

Kitchen Set

Location: 18 Stanton Street, Malden MA 02148

Misc. Jewelry of Wife

Misc. Jewelry of Husband

Fulfillment America, Inc. Retirement Plan

Location: Transamerica Retirement Solutions,

Worker's Compensation Claim of Husband

| | |
|-------------------------------|--------------|
| Total Net Value: | \$ 36,971.73 |
| Less Exemptions (Schedule C): | \$ 31,480.56 |
| Available Chapter 7: | \$ 5,491.17 |

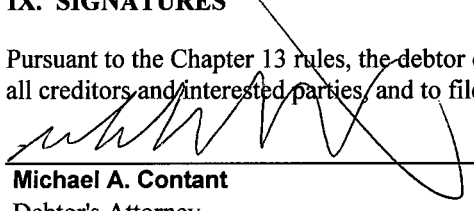
D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ 5,533.93

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.



Michael A. Contant

Debtor's Attorney

Attorney's Address: **537 Broadway
Everett, MA 02149**

Tel. #: **(617) 227-8383 Fax: (617) 944-9867**

Email Address: **mike@contant-law.com**

December 10, 2013

Date

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

Date **December 10, 2013**

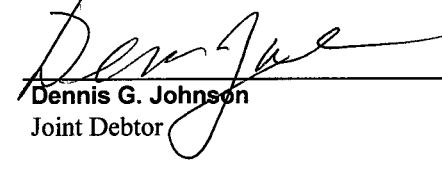
Signature



Diana M Johnson
Debtor

Date **December 10, 2013**

Signature



Dennis G. Johnson
Joint Debtor

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Debtors' Chapter 13 Plan was served upon each of the following parties and identified below:

Carolyn Bankowski
Chapter 13 Trustee

John Fitzgerald
U.S. Dept. of Justice
Office of the United States Trustee

Chase
7301 Baymeadows Way
Jacksonville, FL 32256

Denis J. Sullivan
10 High Street
Suite 15
Medford, MA 02155

Harmon Law Offices, P.C.
130 California Street
Newton, MA 02458

Internal Revenue Service
Insolvency Groups - Stop 20800
25 New Sudbury Street
PO Box 9112
Boston, MA 02203

Medford Oral Surgery Associates, Inc.
689 Fellsway
Suite 1
Medford, MA 02155

Nelnet
PO Box 82561
Lincoln, NE 68501

Said service was completed electronically to all those participating in CM/ECF and by first class mail, postage pre-paid to all non-participants of CM/ECF on this date.

Date: 12/11/13

/s/ Michael A. Contant
MICHAEL A. CONTANT